IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.924 OF 1997.

IN

SUMMARY SUIT NO.3647 OF 1997.

M/s Supreme Alloys Industry .. Plaintiff

versus

M/s HMP Engineers Ltd .. Defendant

Mr.G.K.Karkera for Plaintiff.

Mr.P.G.Lad for Defendant.

CORAM : D.G. KARNIK, J

DATED : 10th January 2005.

P.C:-

1. Heard Mr. Karkera learned counsel for the plaintiff. Mr. Lad for the defendant reports no instructions.

2. The plaintiff sold, delivered and supplied to the defendant goods and sent bills/invoices as per the

defendant's order. The defendant failed and neglected to make the payment. The plaintiff has therefore filed the suit for recovery of price of the goods sold and interest. The principal value of the goods sold is Rs.9,99,500/-. Despite service of the Summons for Judgment, the defendant has not filed any affidavit in reply. In the circumstances, the averments made in the plaint and the Summons for Judgment are prima facie believed. Hence, it would be appropriate only to grant conditional leave to the defendant subject to the defendant depositing the principal sum. The defendant is granted conditional leave to defend the suit subject to its depositing a sum of Rs.9,99,500/- within a period of 8 weeks. On failure, the plaintiff would have the liberty to apply. On deposit of money suit shall stand transferred to the list of commercial causes.

D.G.KARNIK, J